2. (Once amended) The isolated nucleic acid of claim 1, wherein said nucleic acid comprises a nucleic acid that encodes an amino acid sequence as set forth in SEQ ID NO: 2. [encodes an ESX transcription factor having an amino acid sequence as set forth in SEQ ID NO: 3.]

3. (Once amended) The isolated nucleic acid of claims 1 or 2, wherein said nucleic acid [has]comprises a nucleotide sequence as set forth in SEQ ID NO: 1.

4. (Once amended) The nucleic acid of claim 1, wherein said nucleic acid comprises a nucleic acid having the nucleotide sequence of a nucleic acid [is] amplified from a genomic library using the primer pairs designated by SEQ ID No. 13 and SEQ ID NO. 14.

5. (Once amended) The nucleic acid of claim 1, wherein said nucleic acid [hybridizes to a clone of a human ESX gene under stringent conditions.] comprises a nucleic acid that specifically hybridizes to a human ESX nucleic acid under stringent conditions, wherein said human ESX consists of a nucleic acid sequence as set forth in SEQ ID NO: 1.

7. (Once amended) The nucleic acid of claim 1, wherein said nucleic acid comprises a nucleic acid that encodes a polypeptide consisting of [variable region has] an amino acid sequence as set forth in SEQ ID NO.: 7.

10. (Once amended) [An isolated nucleic acid comprising a label and a nucleotide sequence encoding a carboxy terminal domain of an ESX transcription factor, wherein said carboxy terminal domain has]The nucleic acid of claim 1, wherein said nucleic acid comprises a nucleic acid that encodes an amino acid sequence as set forth in SEQ ID NO: 12 or conservative substitutions of said amino acid sequence.

16. (Once amended) [An isolated nucleic acid comprising a nucleotide sequence encoding at least about ten contiguous amino acids of a murine ESX transcription factor polypeptide having an amino acid sequence as set forth as mESX in Figure 5 or conservative substitutions of said amino acid sequence.] An isolated nucleic acid comprising a nucleic acid selected from the group consisting of:

a nucleic acid that specifically hybridizes to a murine ESX nucleic acid under stringent conditions, wherein said murine ESX comprises a nucleic acid sequence as set forth in SEQ ID NO: 15; and

a nucleic acid that encodes an amino acid sequence SEQ ID NO: 16.

17. (Once amended) The nucleic acid of claim 16, wherein said nucleic acid comprises a nucleic acid that encodes an amino acid sequence of amino acids 2 through 371 of SEQ ID NO: 16.[encodes an ESX transcription factor having an amino acid sequence as set forth as mESX in Figure 5.]

18. (Once amended) The nucleic acid of claim 17, wherein said nucleic acid [has]comprises a nucleotide sequence as set forth in SEQ ID NO: 15.

20. (Once amended) The nucleic acid of claim 16, wherein said nucleic acid [hybridizes to a clone of a murine ESX gene under stringent conditions.] comprises a nucleic acid that specifically hybridizes to a murine ESX nucleic acid under stringent conditions, wherein said murine ESX consists of a nucleic acid sequence as set forth in SEQ ID NO: 15.

Please add new claims 82 and 83 as follows:

--82. (New) The nucleic acid of claim 1, wherein said nucleic acid is labeled with a detectable label.

83. (New) The nucleic acid of claim 82, wherein said detectable label is selected from the group consisting of a radiolabel, an enzyme, a colorimetric label, a magnetic bead, a fluorescent label, and a biotin.--

REMARKS

Status.

Claims 1-14, 16-18, 20-26, 71, 79, 82, and 83 are pending with entry of this amendment, claims 15, 27-70, 72-78, and 80-81 being canceled and new claims 82 and 83 being added herein. Claims 1, 2, 3, 4, 5, 7, 10, 16, 17, 18, and 20 are amended herein. The amendment and new claims 82 and 83 introduce no new matter. Support is replete throughout the specification (*see, e.g.,* 3, lines 18-32, page 23, line 19 through page 24, line 16, , and the claims as originally filed).